

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

RONALD BANKS,

Petitioner,

Case Number: 07-12821

v.

HONORABLE AVERN COHN

NICK J. LUDWICK,

Respondent.

/

**ORDER DENYING PETITIONER'S MOTION FOR RELIEF FROM JUDGMENT
(DOC. 29)**

This is a habeas case under 28 U.S.C. § 2254 which has long since closed. In 2007, Petitioner filed a habeas petition challenging his 1981 armed robbery and firearms convictions, claiming he was denied his right to speedy trial under both the Sixth Amendment and the Interstate Agreement on Detainers, and that his sentence was improper. The matter was referred to a magistrate judge for all proceedings. Respondent filed a motion to dismiss on the grounds that the petition was barred by the one year statute of limitations. Petitioner filed a motion for summary judgment. A magistrate judge issued a report and recommendation (MJRR), recommending that Respondent's motion be granted because the petition was not timely filed and that Petitioner's motion be denied as moot. Petitioner objected. The Court adopted the MJRR, granted Respondent's motion and dismissed the case. See Order filed June 11, 2008, Doc. 17. The Court denied a certificate of appealability (COA). See Order filed July 7, 2008, Doc. 23. The Court of Appeals for the Sixth Circuit also denied a COA.

See Doc. 24.

On January 7, 2011, Petitioner filed a motion for relief from judgment under Rule 60(b) in which he argued that the Court improperly dismissed the petition as untimely. Doc. 25. The Court denied the motion. See Order filed January 24, 2011, Doc. 26. Petitioner filed a notice of appeal. Doc. 27. On February 22, 2011, Petitioner filed another motion for relief from judgment which is now before the Court. Doc. 29.

A review of the current motion reveals that it appears to be the same motion filed in January except that the current motion contains attachments, including a copy of the Court's order denying the original motion. To the extent the current motion is the same as the previously filed motion for relief from judgment, it is DENIED for the reasons explained in the Court's January 24, 2011 order. To the extent the motion is construed as a motion for reconsideration, it is DENIED for failure to satisfy the requirements of E.D. Mich. LR 7.1(h)(3).

SO ORDERED.

Dated: March 2, 2011

S/Avern Cohn
AVERN COHN
UNITED STATES DISTRICT JUDGE

I hereby certify that a copy of the foregoing document was mailed to Ronald Banks, #225311, Puglsey Correctional Facility, 7401 E. Walton Rd., Kingsley, MI 49649 and the attorneys of record on this date, March 2, 2011, by electronic and/or ordinary mail.

S/Julie Owens
Case Manager, (313) 234-5160